IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 4909 of 2005

Between:

M/s.Vyjayanthi Movies, plot No.104, Navanirman Nagar,
Road No.71, Jubilee Hills, Hyderabad-50033,

rep.by its Prop.Mr.C.Aswini Dutt.

..... PETITIONER

AND

1 The Commercial Tax officer, Jubilee Hills Circle, Hyderabad.
2 The Appellate Deputy Commissioner (CT) Punjagutta Division,

Hyderabad.
3 The Additional Commissioner (CT)Legal, Andhra Pradsh, Nampally,

Hyderabad. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorari or any other appropriate writ or order or direction quashing the order passed by the 3rd Respondent in CCT's Ref.No.LIII(2)/178/2005, dated 23-2-2005 as arbitrary and unjustified and consequently restrain the 1st Respondent from taking any coercive steps for recovery of the disputed tax of Rs.6,80,000/- for the assessment year 2001-02, pending disposal of the appeal filed by the petitioner before the 2nd respondent.

Counsel for the Petitioner: MR.S.DWARAKANATH

Counsel for the Respondents: GP FOR COMMERCIAL TAX

The Court at the stage of admission made the following :

THE HON'BLE SRI JUSTICE M.H.S.ANSARI

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AND

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THE HON'BLE SRI JUSTICE T.Ch.SURYA RAO

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W.P.NO.4909 OF 2005

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ORDER: (Per the Hon'ble Sri Justice T.Ch.Surya Rao)

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The instant writ petition is filed against the order dated 23-02-2005 passed by the learned Additional Commissioner (CT) Legal, Hyderabad, whereunder and whereby he rejected the request of the petitioner to grant stay pending adjudication of the appeal before the Appellate Deputy Commissioner (CT), second respondent herein. Since the writ petition is directed against the stay order alone, we do not propose to enter into the merits of the case and we are inclined to pass the usual order.

The Writ Petition is accordingly allowed with the directions as under:

The petitioner shall deposit 50% of the disputed tax giving credit to the pre-deposit made, if any, on or before 31-03-2005. In which event, the recovery of the balance tax is hereby stayed and the 2nd respondent shall dispose of the appeal in accordance with law by passing appropriate orders as early as possible. No orders as to costs.

M.H.S.ANSARI, J.

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T.Ch.SURYA RAO, J.

Dated 17-03-2005.

skmr

To

1 The Commercial Tax officer, Jubilee Hills Circle, Hyderabad.
2 The Appellate Deputy Commissioner (CT) Punjagutta Division,

Hyderabad.
3 The Additional Commissioner (CT) Legal, Andhra Pradsh, Nampally,

Hyderabad.

4 2 CCs to G.P. for Commercial Tax, High Court Buildings,

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